


EXHIBIT 1

Message

From: Rutowski, Diana [drutowski@orrick.com]
Sent: 11/15/2019 11:10:48 AM
To: Herrera, Nicholas Timothy [nherrera@mofo.com]; Shaffer, Nathan [nshaffer@orrick.com]; Aghnami, Eileen Z. [eaghnami@orrick.com]
CC: Taylor, Jennifer Lee (SF) [jtaylor@mofo.com]; Sandoval, Robert Santos [rsandoval@mofo.com]
Subject: RE: Lambda Labs, Inc. v. Lambda, Inc. (Case No. 4:19-cv-04060)--Rule 26(f) conference
Flag: Follow up

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Hi Jennifer and Nick,

In advance of the Rule 26(f) conference set for Tuesday, we want to alert you and your client to a new development. Lambda, Inc. has acquired a trademark portfolio consisting of the lambda character mark () and the word mark RED LAMBDA, as well as various formatives of the logo and word mark (e.g. U.S. Reg. Nos. 4113747, 4116915, 4113746, 4107473, 4113748). Lambda, Inc.'s use of the marks can be found here: <https://lambdaschool.com/redlambda>.

We believe this is a gamechanger in the litigation. Lambda, Inc.'s new portfolio has priority over your client's use and registration of its marks, and if your client intends to pursue the litigation, Lambda, Inc. plans to supplement its pleadings to assert counterclaims.

Nevertheless, our client would prefer to spend its resources on its business than litigation and remains interested in coexistence and creative solutions. While we maintain that generally there's no likelihood of confusion among Lambda, Inc.'s education and financial services business and your client's business, if forced, our client is prepared to pursue aggressively all options in the lawsuit and we see the inevitable result of protracted litigation as a win for our client.

Feel free to call me (or Cecilia invites you to call her) in the meantime; otherwise, we are hopeful for a productive discussion Tuesday. We'd ask that the schedule you present take into account Lambda, Inc.'s proposed supplemental pleading as well as discovery associated with same.

Thanks,
 Diana

From: Herrera, Nicholas Timothy <NHerrera@mofo.com>
Sent: Thursday, November 14, 2019 10:08 AM
To: Shaffer, Nathan <nshaffer@orrick.com>; Rutowski, Diana <drutowski@orrick.com>; Aghnami, Eileen Z. <eaghnami@orrick.com>
Cc: Jennifer L. Taylor <jtaylor@mofo.com>; Sandoval, Robert Santos <RSandoval@mofo.com>
Subject: RE: Lambda Labs, Inc. v. Lambda, Inc. (Case No. 4:19-cv-04060)--Rule 26(f) conference

Thanks, Nathan. Let's do 10 am. I'll send a dial-in.

NICHOLAS HERRERA

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From: Shaffer, Nathan <nshaffer@orrick.com>
Sent: Wednesday, November 13, 2019 11:07 AM

To: Herrera, Nicholas Timothy <NHerrera@mofo.com>; Rutowski, Diana <drutowski@orrick.com>; Aghnami, Eileen Z. <eaghnami@orrick.com>
Cc: Taylor, Jennifer Lee (SF) <JTaylor@mofo.com>; Sandoval, Robert Santos <RSandoval@mofo.com>
Subject: RE: Lambda Labs, Inc. v. Lambda, Inc. (Case No. 4:19-cv-04060)--Rule 26(f) conference

- External Email -

Nick,

The 19th looks good—10–11am or after 1pm are open. Feel free to send a dial-in for a time in either window.

Thanks,
Nathan

From: Herrera, Nicholas Timothy <NHerrera@mofo.com>
Sent: Saturday, November 9, 2019 7:36 AM
To: Rutowski, Diana <drutowski@orrick.com>; Shaffer, Nathan <nshaffer@orrick.com>; Aghnami, Eileen Z. <eaghnami@orrick.com>
Cc: Jennifer L. Taylor <jtaylor@mofo.com>; Sandoval, Robert Santos <RSandoval@mofo.com>
Subject: Lambda Labs, Inc. v. Lambda, Inc. (Case No. 4:19-cv-04060)--Rule 26(f) conference

Counsel,

Please let us know your availability for a Rule 26(f) conference on November 18 or 19.

Best,
Nick

NICHOLAS HERRERA

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